



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009**

**MINUTES OF PROCEEDINGS**

**No. 32**

**THURSDAY, 27 AUGUST 2009**

---

**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE—  
REPORT 2—INQUIRY INTO THE CRIMES (MURDER) AMENDMENT  
BILL 2008—MOTION THAT REPORT BE NOTED**

Mrs Dunne (Chair), pursuant to order, presented the following report:

Justice and Community Safety—Standing Committee—Report 2—*Inquiry into the Crimes (Murder) Amendment Bill 2008*, dated 26 August 2009, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

**3 PRIVILEGES—SELECT COMMITTEE—REPORT—POSSIBLE IMPROPER  
INFLUENCE OF A MEMBER—REPORT NOTED**

Ms Hunter (Chair), pursuant to order, presented the following report:

Privileges—Select Committee—Report—*Possible improper influence of a Member*, dated 27 August 2009, together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

**4 DANGEROUS GOODS (ROAD TRANSPORT) BILL 2009**

Mr Stanhope (Minister for Transport), pursuant to notice, presented a Bill for an Act to make provision for safety in the transport of dangerous goods by road as part of the system of nationally consistent road transport laws, and for other purposes.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 August 2009.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Coe) and the resumption of the debate made an order of the day for the next sitting.

**5 ADOPTION AMENDMENT BILL 2009**

Mr Barr (Minister for Children and Young People), pursuant to notice, presented a Bill for an Act to amend the *Adoption Act 1993*, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 August 2009.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

**6 PLANNING AND DEVELOPMENT AMENDMENT BILL 2009**

Mr Barr (Minister for Planning), pursuant to notice, presented a Bill for an Act to amend the *Planning and Development Act 2007*, and for other purposes.

*Papers:* Mr Barr presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 26 August 2009.

Title read by Clerk.

Mr Barr moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Seselja—Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.

**7 STANDING AND TEMPORARY ORDERS—AMENDMENT**

Mr Rattenbury (Speaker), pursuant to notice, moved—That the following standing orders be amended to take effect from the September 2009 sittings:

(1) Standing order 113B, add the following:

“The Speaker may allow two further supplementary questions from other non-Executive Members, provided that the questions are relevant to the original question or the answers given.”.

(2) Omit standing order 118(c) (but not the subsequent words), substitute:

“(c) shall, in the case of the original question, be not longer than four minutes in length, and in the case of any supplementary question asked, not longer than two minutes in length. The Speaker may, at his/her discretion, order that the clock be stopped.”.

Debate ensued.

Question—put and passed.

**8 PLANNING AND DEVELOPMENT ACT—VARIATION NO. 288 TO THE TERRITORY PLAN—RULE R27A—MOTION TO REJECT**

Ms Le Couteur, pursuant to notice, moved—That this Assembly, in accordance with section 80 of the *Planning and Development Act 2007*, rejects new rule R27A of the Residential Zones Multi Unit Housing Development Code Part A(5), Item 2.1, Height inserted by Variation No. 288 to the Territory Plan.

Debate ensued.

Ms Burch addressing the Assembly—

---

It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

---

Debate continued.

Question—put and negatived.

**9 MINISTERIAL ARRANGEMENTS**

Ms Gallagher (Deputy Chief Minister) informed the Assembly that Mr Stanhope (Chief Minister) had been delayed and advised the Assembly that questions without notice normally directed to Mr Stanhope could be directed to Ms Gallagher.

**10 QUESTIONS**

Questions without notice being asked—

*Paper:* Mr Doszpot, by leave, presented the following paper:

Al Grassby Statue—Copy of article from *The Australian* newspaper, dated 17 March 2007.

Questions continued.

**11 ESTIMATES 2009-2010—SELECT COMMITTEE—REPORT—APPROPRIATION BILL 2009-2010—ANSWERS TO QUESTIONS ON NOTICE AND QUESTIONS TAKEN ON NOTICE**

The Speaker presented the following paper:

Estimates 2009-2010—Select Committee—Report—Appropriation Bill 2009-2010—Answers to questions on notice and questions taken on notice—Received after 25 June 2009.

**12 TERRITORY-OWNED CORPORATIONS ACT—STATEMENT—VOTING SHAREHOLDER CONSENT—ACTTAB—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 16(3)—Statement—Voting shareholder consent for ACTTAB to enter into an unincorporated joint venture—

and, by leave, made a statement in relation to the paper.

**13 TERRITORY-OWNED CORPORATIONS ACT—STATEMENT—VOTING SHAREHOLDER CONSENT—RHODIUM ASSET SOLUTIONS—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Treasurer) presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 16(3)—Statement—Voting shareholder consent for Rhodium Asset Solutions to dispose of several main undertakings—

and, by leave, made a statement in relation to the paper.

**14 FINANCIAL MANAGEMENT ACT—INSTRUMENT—PAPER AND STATEMENT BY MINISTER**

Ms Gallagher (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to Better TAFE Facilities—Canberra Institute of Technology, including a statement of reasons, dated 25 August 2009—

and, by leave, made a statement in relation to the paper.

**15 DIRECTOR OF PUBLIC PROSECUTIONS ACT—DIRECTOR OF PUBLIC PROSECUTIONS (FIREWORKS) DIRECTION 2009 (NO. 1)—NOTIFIABLE INSTRUMENT NI2009-411—PAPER AND STATEMENT BY MINISTER**

Mr Corbell (Attorney-General) presented the following paper:

Director of Public Prosecutions Act—Director of Public Prosecutions (Fireworks) Direction 2009 (No. 1)—Notifiable Instrument NI2009-411, dated 26 August 2009—

and, by leave, made a statement in relation to the paper.

**16 PLANNING AND ENVIRONMENT—STANDING COMMITTEE (SIXTH ASSEMBLY)—REPORT 30—THE PROPOSED NOMINATION OF THE A.C.T. AS A UNESCO BIOSPHERE RESERVE—GOVERNMENT RESPONSE—PAPER NOTED**

Mr Corbell (Minister for the Environment, Climate Change and Water) presented the following paper:

Planning and Environment—Standing Committee (Sixth Assembly)—Report 30—*The Proposed Nomination of the ACT as a UNESCO Biosphere Reserve*—Government response—

and moved—That the Assembly takes note of the paper.

Question—put and passed.

**17 PRESENTATION OF PAPER**

Mr Hargreaves (Minister for Industrial Relations) presented the following paper:

Legislation Act, pursuant to section 64—

Dangerous Substances Act—Dangerous Substances (Explosives) Amendment Regulation 2009 (No. 2)—Subordinate Law SL2009-43 (LR, 26 August 2009), together with its explanatory statement and a regulatory impact statement.

**18 CAPITAL WORKS 2008-2009 PROGRAM OUTCOME—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Ms Gallagher (Treasurer), by leave, made a ministerial statement concerning the Capital Works 2008-2009 Program Outcome and presented the following paper:

Capital Works 2008-2009 Program Outcome—Ministerial statement, 27 August 2009.

Ms Gallagher moved—That the Assembly takes note of the paper.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for the next sitting.

**19 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—SUSTAINABLE TRANSPORT OPTIONS**

The Assembly was informed that Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja (Leader of the Opposition) and Mr Smyth had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Porter be submitted to the Assembly, namely, “The importance of sustainable transport options”.

Discussion ensued.

Discussion concluded.

**20 PUBLIC ACCOUNTS—STANDING COMMITTEE—PROPOSED REFERENCE—  
SALE OF LICENSED GAMING CLUBS**

Mr Smyth, pursuant to notice, moved—That:

- (1) the Standing Committee on Public Accounts inquire into:
  - (a) potential changes required to the Gaming Act due to the unforeseen circumstances raised by the potential sale of the Labor Club Group and therefore proposed profit taking by the ACT Branch of the Labor Party and the national office of the Australian Labor Party;
  - (b) given the circumstances, the appropriateness of the Chief Executive Officer of the Gambling and Racing Commission being a public servant;
  - (c) concerns raised in a letter from the President of the ACT Labor Club Group to various members of the Australian Labor Party relating to outside interference in the operation of the Labor Club and the potential implications under the gaming, corporations and tax law; and
  - (d) whether the sale of licensed clubs for profit would undermine the community gaming model and is in keeping with the spirit of the Gaming Act; and
- (2) the committee report by the first sitting week in 2010.

Debate ensued.

Mrs Dunne moved that debate be adjourned.

Question—put.

The Assembly voted—

AYES, 6

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja  
Mr Smyth

NOES, 11

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury  
Mr Stanhope

And so it was negatived.

The extended time allotted to Assembly business having expired—

---

*Suspension of standing and temporary orders—Continuation of debate:* Mr Corbell (Manager of Government Business) moved—That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notice No. 3, Assembly business.

Question—put and passed, with the concurrence of an absolute majority.

---

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe  
Mrs Dunne  
Mr Hanson  
Mr Seselja  
Mr Smyth

NOES, 10

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Mr Rattenbury  
Mr Stanhope

And so it was negatived.

## 21 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 1, Executive business, relating to the Crimes (Bill Posting) Amendment Bill 2008, be postponed until a later hour this day.

## 22 WORK SAFETY LEGISLATION AMENDMENT BILL 2009

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

---

### *Detail Stage*

Clauses 1 to 4, by leave, taken together and agreed to.

Schedule 1—

Amendments 1.1 to 1.8, by leave, taken together and agreed to.

Amendment 1.9—

Mrs Dunne moved her amendment No. 1 (*see* [Schedule 1](#)).

Debated and negatived.

On the motion of Mrs Dunne, by leave, her amendment No. 1 (*see* [Schedule 2](#)) was made, after debate.

Amendment 1.9, as amended, agreed to.

Amendments 1.10 to 1.18, by leave, taken together and agreed to.

Amendment 1.19—

On the motion of Mr Hargreaves (Minister for Industrial Relations), pursuant to standing order 182A, by leave, his amendments Nos. 1 and 2 (*see* [Schedule 3](#)) were made together, after debate.

*Paper:* Mr Hargreaves presented a supplementary explanatory statement to the Government amendments.

Amendment 1.19, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

---

Question—That this Bill, as amended, be agreed to—put and passed.

**23 CAMPAIGN ADVERTISING—SELECT COMMITTEE—REPORT—  
INQUIRY INTO THE GOVERNMENT AGENCIES (CAMPAIGN  
ADVERTISING) BILL 2008—REPORT NOTED**

Ms Burch (Chair), pursuant to order, presented the following report:

Campaign Advertising—Select Committee—Report—*Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*, including additional comments (Ms Burch), dated 21 August 2009, together with a copy of the relevant minutes of proceedings—

and moved—That the report be noted.

Ms Burch addressing the Assembly—

---

*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Hargreaves (Minister for Disability and Housing) requiring the question to be forthwith without debate—

Question—put and negatived.

---

Ms Burch continued.

Debate ensued.

Question—put and passed.

**24 ADJOURNMENT**

Mr Hargreaves (Minister for Disability and Housing) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.49 p.m., adjourned until Tuesday, 15 September 2009 at 10 a.m.

---

**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

---

**Tom Duncan**  
Clerk of the Legislative Assembly



## SCHEDULES OF AMENDMENTS

### Schedule 1

#### **WORK SAFETY LEGISLATION AMENDMENT BILL 2009**

---

Amendment circulated by Mrs Dunne

---

1

**Schedule 1  
Amendment 1.9  
Page 7, line 13—**

*omit*

---

**Schedule 2****WORK SAFETY LEGISLATION AMENDMENT BILL  
2009**

---

Amendment circulated by Mrs Dunne

---

**1**  
**Schedule 1**  
**Amendment 1.9**  
**Proposed new section 55A (3) and note**  
**Page 7, line 26—**

*omit proposed new section 55A (3) and note, substitute*

(3) A direction is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the  
Legislative Assembly, under the Legislation Act.

---

### **Schedule 3**

## **WORK SAFETY LEGISLATION AMENDMENT BILL 2009**

---

Amendments circulated by the Minister for Industrial Relations

---

**1**  
**Schedule 1**  
**Amendment 1.19**  
**Proposed new section 211 (3) (f)**  
**Page 13, line 18—**

*omit*

under a summons or subpoena

---

**2**  
**Schedule 1**  
**Amendment 1.19**  
**Proposed new section 211 (5), definition of *corresponding law*,**  
**paragraph (b)**  
**Page 14, line 1—**

*omit paragraph (b), substitute*

(b) a law of the Commonwealth or a State that is declared by regulation to be a corresponding law.

---